

## **EXHIBIT F**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NANCY DENARDI, :  
Plaintiff, : Docket No.  
-against- : 07CIV5794  
DRA IMAGING, P.C. and : (MGC)  
IMAGING SUPPORT SERVICES, LLC, :  
Defendants. :  
-----x

June 20, 2008

10:00 a.m.

Deposition of Defendants, by MARK NEWTON,  
held at the offices of Keane & Beane, P.C.,  
445 Hamilton Avenue, White Plains, New York,  
before a Notary Public within and for the  
State of New York.

1 M. Newton

2 A. Yes.

3 Q. And when did your next contact with  
4 Mrs. Barkyani occur with regard to Heather  
5 DeNardi?

6 A. Later in the morning.

7 Q. When, in relationship to that  
8 two-minute conversation that you had?

9 A. Afterwards.

10 Q. About how long afterwards?

11 A. Hour, two hours.

12 Q. After the first initial two-minute  
13 conversation, did you take any steps to try to  
14 locate Mrs. DeNardi?

15 A. No.

16 Q. Did you go over to Mrs. DeNardi and  
17 ask her, Ginni seems very concerned about  
18 Heather. Where is she?

19 A. No.

20 Q. And what happened during the second  
21 conversation that you had, which you said was  
22 about an hour later?

23 A. Ginni came over to say that at some  
24 point, Heather had left; that she had then had  
25 a conversation with Mrs. DeNardi where Ginni

1 M. Newton

2 asked Mrs. DeNardi if she had punched out  
3 Heather and Mrs. DeNardi initially said no.

4 Ginni, from computer records, believed  
5 that she had, and asked Mrs. DeNardi again,  
6 "Did you punch Heather out?" And at some point,  
7 Mrs. DeNardi said, "I did." So, Ginni came  
8 over to say that she was upset that Mrs. DeNardi  
9 had lied to her and hadn't told her the truth  
10 until she was either confronted with or  
11 believed that Ginni had the documentation to  
12 indicate that she had punched Heather out.

13 So then Ginni and I talked about what  
14 to do as a result of that occurrence and we  
15 talked about termination, because we didn't  
16 think we could trust Mrs. DeNardi anymore and  
17 we decided to sleep on it over the weekend and  
18 decide on Monday morning.

19 Q. Up until that point, had Ginni  
20 Barkyani ever indicated to you that she felt  
21 she couldn't trust Nancy DeNardi?

22 A. I don't think so.

23 Q. In fact, up until that point, it was  
24 your understanding that Mrs. Barkyani  
25 considered Nancy DeNardi a key employee;

1 M. Newton

2 correct?

3 A. Yes. And I did, too.

4 Q. And the Cerner project was a  
5 significant project for DRA?

6 A. Uh-hmm.

7 Q. A lot of --

8 MR. KLEIN: Yes?

9 A. Yes.

10 Q. A lot of money had been invested in  
11 the project?

12 A. Yes.

13 Q. And you wanted it to succeed in  
14 whatever way it could?

15 A. Yes.

16 Q. And that was a project that you  
17 became or the interface portion of the project  
18 had been assigned to Mrs. DeNardi at a given  
19 point in time?

20 A. Yes.

21 Q. And that was an important project?

22 A. Yes.

23 Q. Did the timecard that Mrs. Barkyani  
24 said she had seen regarding Heather being  
25 punched out, did the timecard itself indicate

1 M. Newton

2 Q. At any point during either of the  
3 two conversations that you had with her on May  
4 5th, did Mrs. Barkyani discuss with you  
5 terminating Heather DeNardi's employment?

6 A. I think so, yes.

7 Q. Was it during both of the  
8 conversations or during either one of them?

9 A. I think it was the latter one.

10 Q. What did she say about Heather  
11 DeNardi's employment?

12 A. I don't know, other than I think she  
13 said she terminated Heather or was going to  
14 communicate to Nancy about Heather.

15 Q. Do you know whether or not she spoke  
16 to Nancy DeNardi about the termination of her  
17 employment?

18 A. I don't know.

19 Q. Did you ask her?

20 A. I don't remember.

21 Q. What occurred Monday morning, May  
22 8th, with regard to you speaking to  
23 Mrs. Barkyani about Nancy DeNardi's employment?

24 A. We met to discuss what had happened  
25 on Friday and to see how we felt about it,

1 M. Newton

2 given the passage of a couple of days.

3 Again, I know Ginni was annoyed with  
4 having to look for Heather and then -- she was  
5 angry that Nancy had lied to her. I was  
6 disappointed that Nancy had lied to Ginni and,  
7 because of Nancy's important responsibilities,  
8 concerned that I could no longer trust her,  
9 which was the reason to consider termination.

10 And, so, Monday morning we discussed  
11 to see if we felt any differently, having slept  
12 on it over the weekend, and I still felt like I  
13 wanted to terminate her because I no longer  
14 trusted her, and Ginni felt the same way.

15 Q. In your view, was it -- if this lie  
16 had occurred, which you apparently believe that  
17 it did, did you feel that it was a very, very,  
18 serious lie? First she said she didn't punch  
19 her daughter out and then she confessed to  
20 punching her out. Was that a very, very  
21 significant lie, in your view?

22 MR. KLEIN: Objection to the form.

23 A. Yes.

24 Q. Was anybody at DRA going to be  
25 suffering any sort of damage as a result of

1 M. Newton

2 to an end?

3 A. I don't remember.

4 Q. Were you at all involved in her  
5 departure from DRA?

6 A. I don't think so.

7 Q. Did her name come up at all during  
8 the meeting that you had with Mrs. DeNardi on  
9 May 8th?

10 A. I don't think so.

11 Q. Mrs. DeNardi didn't mention her name?

12 A. I don't think so.

13 Q. Did you make any notes of the meeting  
14 on May 8th?

15 A. I asked Ginni to.

16 Q. And do you know whether or not Ginni  
17 did?

18 A. I believe she did.

19 Q. I'm referring to contemporaneous  
20 notes. Not anything that may have been written  
21 after the meeting concluded. I'm talking about  
22 while it was going on.

23 A. No, it was after the meeting  
24 concluded.

25 Q. Who was present during the meeting?

1 M. Newton

2 A. On May 8th?

3 Q. Correct.

4 A. When Nancy was terminated?

5 Q. Correct.

6 A. It was myself, Ginni and Nancy.

7 Q. There was nobody else in the room?

8 A. There was not.

9 Q. How long did the meeting take?

10 A. Five minutes.

11 Q. About what time of day did it occur?

12 A. Around four o'clock.

13 Q. Was there anything else that

14 Mrs. DeNardi did, in your mind on May 8th, that  
15 caused her to become untrustworthy?

16 A. No.

17 Q. It was just strictly lying about  
18 punching her daughter out and then ultimately  
19 telling the truth?

20 A. What was strictly about her lying?

21 Q. What caused her to become  
22 untrustworthy, in your view.

23 A. Yes, it was that she lied to her  
24 supervisor about punching her daughter out.

25 Q. And you were not present when the

1 M. Newton

2 MS. PERRY: I don't have anything  
3 further.

4 Thank you very much.

5 MR. KLEIN: Thanks.

6 (Time noted: 12:35 p.m.)

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9 Mark Newton

10

11 Subscribed and sworn to before me  
12 this \_\_\_\_ day of \_\_\_\_\_, 2008.

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15 Notary Public

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1

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK )

5 : ss.

6 COUNTY OF NEW YORK )

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8 I, ERIC ALLEN, a Notary Public  
9 within and for the State of New York, do  
10 hereby certify:

11 That MARK NEWTON, the witness  
12 whose deposition is hereinbefore set forth,  
13 was duly sworn by me and that such  
14 deposition is a true record of the  
15 testimony given by the witness.

16 I further certify that I am not  
17 related to any of the parties to this  
18 action by blood or marriage, and that I am  
19 in no way interested in the outcome of this  
20 matter.

21 IN WITNESS WHEREOF, I have hereunto  
22 set my hand this 2nd day of July, 2008.

23

24

25



ERIC ALLEN